

**Town of Stephens City Planning Commission
Minutes
Tuesday, October 28, 2008 (7:30p.m.)**

The Town of Stephens City Planning Commission held the regularly scheduled meeting this month, on Tuesday, October 28, 2008 at 7:30 p.m.

Attendees:

Chairman, Linden “Butch” Fravel, Jr
Commissioner Martha Dilg
Commissioner Joe Grayson
Commissioner Bob Wells
Commissioner Susan Boyd
Commissioner Jesse Fox

Absent:

Commissioner Bill Copp

Staff Present:

Town Planner, Brian Henshaw

Also Present:

Jason Kane, Winchester Star
Patrick Sowers, PHR&A
Ron Mislowsky, PHR&A
Clay Athey, Attorney for Russell-Stephens City
Ron Strosnider, Realtor
Aaron Whitacre (Citizen)

Call to Order:

With a quorum present, Chairman Fravel called the meeting to order at 7:30 p.m.

Mr. Bob Wells moved to approve the 2008 minutes. Mr. Jesse Fox seconded the motion. The minutes were approved.

Town Planner, Brian Henshaw added agenda item “F” to discuss the November and December Planning Commission Meetings. Mr. Bob Wells moved to adopt the agenda. Mr. Jesse Fox seconded the motion. The agenda was approved.

Old Business:

Briefing on Joint Land Use Committee:

Chairman Fravel gave a very brief update on the conclusions that the Joint Land Use Committee arrived at with regard to the Future Land Use Plan and Future Land Use Map. At this point the final drafts have been referred to the elected officials for review and if both of the elected officials are in agreement with final draft, the future land use plan and future land use map would be referred to the Planning Commission’s for both jurisdictions to hold a Public Hearing.

Mr. Henshaw reiterated Chairman Fravel's briefing and explained the process that would be taking place in the coming months to finalize this process of revising the Future Land Use Plan and Future Land Use Plan.

Commissioner Wells inquired about the timeline and Mr. Henshaw answered the questions explaining the timeline and the reasoning for this schedule.

Russell- Stephens City Rezoning:

Mr. Henshaw turned the floor over to Mr. Patrick Sowers of PHR&A. Mr. Sowers briefly discussed the changes with regard to the Proffer Statement and provided the Commissioners with the most recent conceptual layout of the Russell-Stephens City property. Mr. Sowers also described the changes made to the proffer statement with regard to the 15 acre potential school site. There were questions with regard to would maintain and take ownership of the 15 acre track. The school board in the past has deferred the ownership until the time the school board is ready to take action on the property through construction. The Town would prefer not to maintain or take ownership of the property. Mr. Sowers explained that they restructured the Proffer Statement to read that the current owner would maintain the site until such time the Town instructs the property owner to deed the property to the school board. If a school is never constructed on the site the Town would release the option on the property to the HOA and through an established escrow account for the HOA, the amenities for a Town Park would be constructed upon the property.

Mr. Clay Athey did bring to the attention of the Planning Commission an e-mail transmission sent from Mr. Wayne Lee, Director of Planning for Frederick County Public Schools their intended interest is in the site. Mr. Lee feels that there is a long term interest in having an option on the site, however the interest is based upon a long term vision and that in time there could be time when the school site is needed.

Mr. Henshaw briefly went over his report highlighting the additions made on October 24, 2008. Mr. Henshaw recommended the approval of the rezoning with the condition and suggested motion that the Council hold off on any formal motion until the Future Land Use Plan and Future Land Use Map is adopted by both jurisdictions. Mr. Henshaw expressed concerns that the school proffers as they are currently proposed that the school proffers should be readdressed and offered several suggestions within his report.

Commissioner Dilg made the following motion:

I move that we recommend to the Town Council to approve the Russell-Stephens City Rezoning Application, further identified as tax parcel 74-A-77, 77A and 74-2-2, 3 to be rezoned from R-1 & R-2 to R-3 & I-1 with the Newtown Development District overlay because it meets Goal 2, Objective 2.1 which states that the Town should maintain a balanced, mixed-use community with a variety of opportunities for housing, shopping, and employment. Furthermore, the proposed rezoning also complies with Goal 3, Objective 3.5.1 which includes a preferred transportation plan as part of the greater Stephens City area plan.

However, the Planning Commission does recognize that the work that has been done on the Joint Land Use Committee is vitally important to the Town and the County with regard to the annexed areas within the Town. The Planning Commission would furthermore recommend that the Town Council formally adopt the Future Land Use Plan and Future Land Use Map prior to taking action on the Russell-Stephens City application.

Commissioner Wells seconded the motion.

The motion passed 6-0.

Discussion:

Nichols Special Use Permit on Plymouth Street:

Mr. Henshaw briefly described the special use permit that Mr. Nichols had obtained with the Town approximately two to three years ago to construct 12 townhouse units fronting on Plymouth Street. Mr. Nichols is now requesting a change to the special use permit to construct 14 single story dwelling units opposed to the townhouses. The houses being proposed to be constructed are one bedroom apartment units and are smaller than original proposed townhouses. All of the other conditions associated with the special use permit will continue to be part of the change.

Mr. Henshaw stated that he had consulted with Town Manager, Michael Kehoe that had worked with the Planning Commission when the original special use application was brought to the Planning Commission. Mr. Henshaw stated that in his opinion that he did not foresee an issue with the request but made some recommendations to better improve the project.

Mr. Henshaw stated that the housing style change would be geared toward being an attractive option for active adults, singles, or a starter apartment. Currently Mr. Nichols already has several current renters interested in this single story option. Mr. Henshaw also stated that he advised Mr. Nichols that he should get in touch with the Frederick County Building Official to determine if the single story apartment would need a secondary exit. If a secondary exit was required Mr. Henshaw stated that he would begin working with Mr. Nichols to some modifications to the design and layout of the project to better promote walk ability and neo-traditional concepts. Finally Mr. Henshaw advised the Planning Commission that this would be within their rights to request these changes if appropriate since Mr. Nichols is essentially requesting a Special Use Permit amendment and two additional units.

The Planning Commissioners discussed some of the issues that Mr. Henshaw raised and decided that it would be helpful to find out if the dwellings would require two points of ingress and egress and it would also be helpful to see the conditions within the original special use permit. Mr. Henshaw stated that he would continue to work with Mr. Nichols and get an answer about the one bedroom single story apartments and would get the Planning Commissioners a copy of the original special use permit conditions.

Commissioner Grayson made a motion to table the consideration of an amendment of Mr. Nichols Special Use Permit for a change from 12 townhouses to 14 single story apartments.

Commissioner Fox seconded the motion.

The motion passed.

Draft By-laws:

Mr. Henshaw briefly described the by-laws and opened the floor up to the Planning Commission for questions. Chairman Fravel raised the concern the language with regard to Planning Commissioner attendance and that failure to attend 50% of the meetings that shall be subject to dismissal and suggested that the text read “may” be subject to dismissal. Mr. Henshaw acknowledged the change. Chairman Fravel also questioned the language of a “non-member clerk” of the Planning Commission. Mr. Henshaw stated that as the by-laws are written the Planning Commission Clerk would be the Town Planner, who is not a member of the Planning Commission. Mr. Henshaw suggested that the appropriate fix would be to just write to the text to read that Planning Commission Clerk would be the Town Planner.

Mr. Henshaw briefly explained that the appropriate procedure would be to send the “draft” by-laws to the Town Council for review. If the council is in agreement with the by-laws of which the Planning Commission will operate, at the next scheduled Planning Commission meeting the Planning Commission would formally adopt the by-laws.

Commissioner Wells made a motion to send the draft by-laws to Council for review. Commissioner Dilg seconded the motion.

The motion passed 6-0.

CPEAV Classes:

Mr. Henshaw asked the interested Planning Commission members who would be interested in attending the classes in Richmond, Virginia, March 9-10. Commissioners Fox, Boyd, and Wells are interested in attending.

Next Meeting:

Mr. Henshaw brought the upcoming scheduling conflicts with the set November and December meetings and suggested that the Planning Commission conduct a combined November and December meeting on Tuesday, December 9th.

The Planning Commissioner all agreed and Chairman Fravel set the next meeting to be held on Tuesday, December 9, 2008 at 7:30pm.

Citizen Comment Period:

There was no citizen’s comment.

Hearing no comments, Chairman Fravel entertained a motion to adjourn.

Commissioner Wells made a motion to adjourn. Commissioner Fox seconded the motion.

The meeting adjourned at 8:52pm.

Adjourn:

Commissioner Bob Wells moved to adjourn and Commissioner Martha Dilg seconded the motion. The motion was approved.

Chairman Fravel adjourned the meeting at 8:34 p.m.